

New Castle City Planning Commission Meeting
Minutes
May 22, 2017 -- 6:30 p.m.
City of New Castle Town Hall

Members Present: David Baldini, Vice Chair
David Bird
Joseph DiAngelo
Jonathan Justice
Josephine Moore
Gail Seitz
William Walters

Also Present: Chris Rogers, Planner, AECOM
Jeff Bergstrom, City Building Inspector

Mr. Baldini called the meeting to order at 6:30 p.m. Roll call followed. A quorum was declared.

Minutes – A motion was made and seconded to approve the minutes of the 4/24/17 meeting as distributed. Motion was approved.

Minor Sub-Division – Riverwalk: 475 West 7th Street Parcel #21-014.00-398

The owner or representative of the property was not present. Mr. Rogers reviewed a letter dated 5/22/17 sent to Mr. Bergstrom that addresses procedural/administrative and planning/technical questions that AECOM asked the applicant. Their responses and a minor revision were received late last week. Mr. Rogers said the applicant seeks to subdivide the stated parcel into two parcels. The application meets the definition of a minor subdivision and, per the City Code subdivision regulations, minor subdivisions, once reviewed by the Planning Commission, can be approved by City Council via resolution as opposed to an ordinance that is required for a major subdivision.

AECOM questioned a note on the original plan that referred to apartment units, 6,000 sq. ft. of amenities and retail space. Even though the plan does not impact the original development plan of the apartments, it is a subdivision to subdivide the back piece. The note was inconsistent with the original plan that was approved. The note was revised to remove any reference to retail to make it consistent with what has been previously approved.

The purpose of the subdivision is to subdivide the back piece. AECOM checked to ensure the acreage being subdivided was not counted in calculations for open space, site coverage and impervious surface; it was not included in calculations. According to Mr. Rogers, the remaining piece can support development per the City's zoning regulations.

The proposed subdivision plan references the dedication of a small strip of land to the State of Delaware and a small strip of land as an easement to be dedicated to the State of Delaware along Seventh Street. The plan calls for a 4 ft. wide strip of right of way dedicated to the State and a 6 ft. strip of permanent easement to be dedicated to the State. AECOM suggests the City should coordinate with the State of Delaware Department of Transportation regarding these dedications, learn the purpose of the dedications, and follow up to ensure the appropriate instruments are properly recorded. This plan does not

dedicate anything; however, it will be recorded. Mr. Rogers said there are other documents that would need to be recorded in land records such as a deed for a right of way and/or some sort of easement instrument that implements this note.

This plan provides easements from Seventh Street to the rear parcel. The rear parcel has no frontage on Seventh Street. This plan indicates a 20 ft. wide access easement along the boundary with Gambacorta to the back piece (Seventh Street to back of property) and a 40 ft. wide access from the remaining developed parcel to the 20 ft. wide strip. In speaking with the applicant's representative, it is Mr. Rogers' understanding that the purpose of the easements is to give the public access from Seventh Street to the back piece and connecting with Battery Park. Although he has no direct knowledge, Mr. Rogers believes there is intent to transfer the parcel to the Trustees of the New Castle Common (Trustees). He said that this easement is a good idea. It will allow for construction of a boardwalk presumably for public access to the riverfront area.

Mr. Rogers reiterated the need for a follow-up instrument recorded in land records that implements these easements. Plans with easements do nothing until the document is recorded noting the purpose, intent, grantor and grantee of the easements.

Mr. Walters said there is a wetlands issue to go through to the walking path. He likes the idea of having access to the walking path, but wonders if a condition can be put in place to make the applicant commit to installing a boardwalk before the subdivision plan is approved. Though Mr. Rogers was not personally involved with the review of the original development plan, he indicated there was discussion about requiring a physical connection to the path. However, there is nothing in the regulations that required it. Mr. Walters reiterated his desire for the applicant to commit to building a walkway as an amenity for the 120 apartment units. Mr. Rogers said the idea of requiring the applicant to permit and build a walkway to get to the path was considered by the Planning Commission and City Council and not required during the original application process to get the development approved.

Mr. Baldini clarified the way the application for the subdivision read the second parcel is open land and is almost all wetlands. As we work on the Comprehensive Plan is it possible we will be looking at open parcels and their future use, including this parcel.

Mr. Rogers noted that designating future land use on sensitive areas is difficult in Comprehensive Plans. He noted the balance between recognizing them as sensitive areas, but not show it as open space and unbuildable via the City's land use regulations. Mr. Baldini is suggesting if that is the direction this parcel will take he wants the Planning Commission to understand the ramifications for this body. According to Mr. Rogers we will be addressing how to address all tidal wetlands for future designation during the Comprehensive Plan process. Mr. Rogers believes by calling this parcel open land in the subdivision application that should not drive any of the Planning Commission's thinking about what it should be designated in the future. Further, Mr. Rogers said there is nothing in the City's regulations to prevent the owner from subdividing the back piece. The main

thing that AECOM looked for is that the remaining parcel or the development of that parcel as approved is non conforming.

Mr. Bird asked about the developable land. Mr. Rogers said the area is mostly wetlands. Considering the area is wetlands, Ms. Moore questioned if a boardwalk or path could even be constructed. Mr. Rogers said they could get permits, approval for fill, etc. We cannot know what the Corps of Engineers and/or DNREC might/might not approve. Ms. Moore asked why the Trustees would take on the responsibility and expense of an eventual walkway. Why not put this on the developer if the walkway were approved. Mr. Bird thinks that is a discussion for the Trustees. Ms. Moore agreed. Mr. Baldini stated it is not within the Planning Commission's jurisdiction to dictate how the owner splits his land, so long as it is conforming to the zoning code and plans.

Mr. Justice asked if there is a maximum permitted percentage allowed for impervious surfaces in the Downtown Gateway (DG) zoning or some other City ordinance. Mr. Rogers noted the DG Zoning Code calls for 80% maximum impervious coverage.

Mr. Bird asked if the State of Delaware Department of Natural Resources and Environmental Control (DNREC) have a program whereby an owner can deed wetlands to a nonprofit or public trust and receive environmental credits that can help with problems on a site. Mr. Rogers is unsure of programs that DNREC may have; however, in most cases you would not get credit for dedicating something that would not be developed.

Mr. DiAngelo asked if a fence will be required around the wetlands area; he considers not having a fence to be a safety issue. Mr. Rogers is not aware of a requirement for a fence and added it should have been addressed during the development phase. Mr. Bergstrom stated there are no fences around any wetlands in the City. Mr. Bird suggested this issue could be addressed by City Council.

Recognizing it is not a requirement, Mr. DiAngelo thinks it is important for the owner of the parcel and/or their representative to be in attendance to answer questions.

Mr. Justice made a motion to recommend the minor subdivision to the City Council and that they be particularly careful to attend to the recording of necessary right of way dedication and easements and everything else the City Planner has called for in items no. 2, 3, 4, Planning/Technical comments (letter dated /22/17) when they vote on the minor subdivision. Ms. Seitz seconded the motion. The motion was approved by unanimous vote.

2019 Comprehensive Plan Update – This item will remain on the agenda with the purpose being to determine what actions the Planning Commission needs to take, discussions we need to have, and will help measure our progress as we work through the update process. Mr. Baldini believes they will learn more at the pre-PLUS meeting later this week that will help with the scope and path forward. In the Plan there are updates like transportation and community plans that we will work on. Downtown Gateway language needs to be updated. Also included in this update will be flood plans and flood zones,

Mr. Rogers reported the City applied for the Downtown Development District (DDD) designation last round and was not approved. They liked the plan submitted but did not meet the criteria. The designation is geared towards crime prevention, poverty, and blight. The Neighborhood Building Blocks Foundation grant cycle opened up again. This is the funding source previously used for preparation of the DDD application. On the City's behalf, AECOM applied for Neighborhood Building Blocks Foundation monies again to aid in preparation of another DDD plan and application. The City was awarded half of what was requested. Mr. Rogers said they have submitted a proposal to the City to assist with the revised DDD plan and prepare an application if and when that program (DDD) reopens.

Based on input from the State Planning Office on how to better position ourselves with the DDD plan and application, Mr. Rogers said if the City decides to move forward with AECOM's proposal they will meet with the City's Police Chief to discuss and incorporate more crime data and crime statistics and focus less on the two DG areas.

Mr. Rogers wants to have a discussion with the Planning Commission about what is good in the current Comprehensive Plan and what needs to change or where we should refocus. This is the 10-year update; it is basically a new Comprehensive Plan.

Budget – Ms. Seitz inquired how to determine what to submit to the City for our budget. Mr. Baldini and Mr. Rogers have discussed this issue. Mr. Rogers said AECOM will give us a proposal to do the Comprehensive Plan. He wants to get comments from the pre-PLUS meeting to consider in their scope of work. Part of the proposal will be to establish what the process would look like for public participation, gather data to facilitate the public participation process, and what this body thinks is important. These items would help to formulate goals and visions and what is going in the next Comprehensive Plan.

In his opinion, Mr. Baldini noted the change in demographics in the City has been significant. We need to include data on the City's business environment; number of businesses, numbers of employees, and similar information that was not previously part of our Comprehensive Plan. He wants to include as much data as possible. Mr. Baldini considers the process to be a major re-write.

Ms. Seitz reiterated from a previous meeting that WILMAPCO is offering the Planning Commission the services of two planners to help with transportation, bicycle/pedestrian, and parking components. Mr. Rogers will reflect this resource in their scope of work.

Mr. Baldini suggested we present a budget that shows a list of funding options and in-kind resources that would offset some of the cost. The budget would span two years, fiscal years 2017 and 2018. Mr. Rogers will meet with the City Administrator and provide an outline of work equating the Comprehensive Plan planning efforts to justify the budgetary request.

Mr. Rogers noted the last Comprehensive Plan (2009) did not have any future land use designation for any parcel that was relatively developed. It is not good practice to assume that whatever currently exists will remain in place. It may not be the right future land use for the City.

Commissioners Comments

Mr. DiAngelo suggested including the nomination and election of a chair and vice chair for the Planning Commission on the June meeting agenda.

Mr. Bird informed that when his term expires he does not intend to entertain another 3-year term. He has served as chairperson of the Planning Commission for several years and appreciates the support over the years. Mr. Baldini expressed appreciation to Mr. Bird for his service.

Public Comments – Rod Miller, East Third Street, had questions about parking in residential areas of the City. He raised his concerns at a recent City Council meeting and was referred to the Planning Commission. He has noticed there are no parking-designated spots painted on the streets. He has observed that people do not park in a way to best utilize the space that is available. On East Third Street off-street parking is an issue. The street is one way with parking on both sides making the street even narrower. Mr. Miller said it is a quality of life issue and impacts property values.

Mr. Bird acknowledged that East Third Street is narrow. He said that parking will be part of the Comprehensive Plan. One of the solutions may be to try and make changes with parking on East Third Street as a trial run.

Mr. Baldini informed Mr. Miller of a previous parking study in the City. Mr. Justice informed him about the former Parking Subcommittee that worked on parking-related issues in the City. The subcommittee also inquired about stripping of parking spaces. This information is available on the City website. Mr. Justice informed if the City paints stripes they must meet engineering standards, which is larger than most vehicles need. Ultimately you lose spaces by following the standards.

Mr. Miller spoke about an anti-chop ordinance prohibiting a property owner from breaking up a property. Currently there is no law in place to stop owners from chopping up their property that could result in a duplex or triplex on a single lot.

The Planning Commission's next meeting is 6/26/17. There being no further business, a motion was made and seconded to adjourn the meeting at 8 p.m.

Debbie Turner
Stenographer